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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,141	02/09/2006	Alexander Delitz	30882/DP035	7791

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EXAMINER

ALLISON, ANDRAE S

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

09/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,141

Applicant(s)

DELITZ ET AL.

Examiner

ANDRAE S. ALLISON

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 06/04/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on June 04, 2009 have been entered. Claims 34-67 are pending.

Response to Remarks

Claim Rejections – 35 USC section § 112

Applicant has cancelled claims 1-33, therefore the rejection is withdrawn.

Drawings

2. The drawings are objected to because they fail to label the various boxes in Fig 2; for example box 104 should be labeled a processor. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz (Pub No.: US 2004/0128265) in view of Stumm et al (Pub No.: 2006/0161506).

As to independent claims 1 and 62, Holtz discloses a method for processing graphic information (e.g. – label containing bar code – see [p][010], lines 7-8) present on mailpieces (packages – see [p][003], lines 2-3), whereby the graphic information on mailpieces is acquired, evaluated, and stored (see [p][0041], lines 1-6 and [0052], lines

7-11 - where images of the packages are lifted, then optical character recognition is done, then the images are sent a database to be store), and whereby the acquired graphic information is used for physically sorting the mailpieces (see [p][0041], lines 11-17 – where the lifted image is used to sort the package), the method comprising: evaluating the stored graphic information of a first mailpiece as a Virtual Fine Sorting (virtual FS) according to one or more sorting features to obtain a first result comprising sorting features and storing the first result of the evaluation of the first mailpiece in a database and sorting information (see [p][0051] – where the images lifted from the packages are used to sort the packages), augmenting the database with additional sorting features based on the first result and augmenting the negative file as a function of the sorting feature (note that the database is augmented with additional sorting features such as time – see [p][0051], lines 19-25), specifying a reference code (e.g. bar code – see [p][0043] - lines 16-17) for the first mailpiece from the first result, where the reference code is a function of the sorting features (note that the bar code is used to determine the type of sorting necessary – see [p][0044], lines 9-13), sorting the first mailpiece as a function of the reference code according to the sorting features (note that based on the bar code, the package is directed to a particular bin see [p][0044], lines 9-13), and triggering a physical sorting of a second mailpiece based on the graphical information of the first mailpiece and the additional sorting features of the augmented database (see [p][0044], lines 9-17- where other packages are sorted based on their bar codes). However, Holtz does not teach evaluating the stored graphic information of a first mailpiece as a Virtual Fine Sorting which comprises a positive file, a negative file.

Stumm discloses method for processing mail pieces (see [p][001]) including the step of evaluating the stored graphic information of a first mailpiece as a Virtual Fine Sorting which comprises a positive file, a negative file (see [p][0141]). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of processing mail pieces of Holtz with the method of the method for processing mail pieces of Stumm to acquired graphical information located on the surface of postal articles are detected and used for assigning the postal articles to a respective type of delivery thus ensuring delivery and assuring payment (see abstract and [p][0141]).

As to claim 35, Holtz teaches the method, wherein the evaluating comprises determining if postage indicia are present on the mailpieces (118 – see Fig 5).

As to claim 36 and 63 Holtz teaches the method, wherein evaluating the graphic information takes place via a data line at a different point in time and/or at a different place than the point in time and/or the place of the physical sorting of the first mailpiece based on the reference code (see [p][0042] – where packages can be processed at remote locations at different times).

As to claim 37, Holtz teaches the method, wherein evaluating the graphic information comprises statistical evaluating (see [p][0057], lines 5-9) the graphic information.

As to claim 38, note the discussion above, Stumm teaches the method, comprising verifying the authenticity of sender franking by comparing the graphic information present on the mailpieces to the graphic information expected for a particular mailpiece, whereby expected graphic information corresponds to a determination that preceded the comparison, and registering a postage indicium as being forged if the graphic information present differs from the expected graphic information (see [p][0066]).

As to claim 39, note the discussion above, Stumm teaches the method, comprising verifying the authenticity of a digital postage indicium by deciphering the encoded digital information contained in the graphic information and comparing the encoded digital information to unencrypted graphic information present on the appertaining mailpiece to determine whether the encoded digital information matches the unencrypted graphic information and, if the encoded digital information does not match the unencrypted graphic information, registering the postage indicium as being forged (see [p][0090]).

As to claim 40, note the discussion above, Stumm teaches the method, comprising generating a first hash value from data contained in the graphic information in order to check whether the first hash value matches a second hash value contained

in the encoded information and, if first hash value does not match the second hash value, registering the postage indicium as being forged (see [p][0161]).

As to claim 41, note the discussion above, Stumm teaches the method, comprising forming the first hash value taking into account information about mailpiece data, taking into account a temporarily stored random number and taking into account a loading procedure identification number ([p][0158]).

As to claim 42, Holtz teaches the method, wherein a time of day of a sorting event is a sorting feature (see [p][0046], line 5).

As to claim 43, Holtz teaches the method, wherein a date of a sorting event is a sorting feature (see [p][0046]).

As to claim 44, Holtz teaches the method, wherein a starting time and/or the ending time of a sorting event is a sorting feature (see [p][0046]).

As to claim 45, Holtz teaches the method, a specification of production machines in a mail or freight distribution center is a sorting feature (116- see Fig 5) .

As to claim 46, Holtz teaches the method, wherein a value of the insufficient postage determined by means of the evaluation is a sorting feature (118 –see Fig 5).

As to claim 47, Holtz teaches the method, wherein a Sender Franking Machine (SFM) (118 –see Fig 5) identification determined by means of the evaluation is a sorting feature.

As to claim 48, Holtz teaches the method, wherein the SFM identification is readable is a sorting feature (see [p][0050]).

As to claim 49, note the discussion above, Stumm teaches the method, comprising checking whether the determined SFM identification is present in the negative file (see [p][165]).

As to claim 50, note the discussion above, Stumm teaches the method, wherein checking whether the determined SFM identification is present in the positive file (period of validity – see Fig 1).

As to claim 51, Holtz teaches the method, comprising checking whether the SFM has insufficient postage (118 – see Fig 5).

As to claim 52, Holtz teaches the method, comprising checking whether SFM currency is readable (see [p][0050]).

As to claim 53, Holtz teaches the method, comprising checking whether SFM postage indicium is readable (see [p][0049]).

As to claim 54, note the discussion of claim 43

As to claim 55, note the discussion of claim 47.

As to claim 56, note the discussion of claim 51

As to claim 57, note the discussion of claim 49 above.

As to claim 58, Holtz teaches the method, comprising storing data from automated checking of the postage (see [p][0050]).

As to claim 59, Holtz teaches the method, comprising storing results of the evaluation of graphic information in a database (see [p][01049], lines 10-12).

As to claim 60, Holtz teaches the method, comprising printing the reference code onto the mailpieces ([p][0059], lines 31-33).

As to claim 61, Holtz teaches the method, comprising imaging surface video data and/or a statistical evaluation on the basis of the graphic information to determine a

second result of the evaluation serving to augment the database (see [p][0044], lines 9-17).

As to claim 64, Holts teach the device, wherein the at least one device for evaluating the graphic information of the mailpieces has at least one input device and at least one display device so that evaluation results and surface video data of the mailpieces are displayed to a user and edited by the user employing the input device (see [p][0048]).

As to claim 65, Holts teach the device, wherein the at least one display device (see [p][0048], lines 3-4) comprises analog and/or digital video equipment.

As to claim 66, Holts teach the device comprising PC-based display devices that allow a filtering of the video data and a detailed depiction of specific segments of the video data (see [p][0048]).

As to claim 67, Holts teach the device, wherein the at least one input device is selected from the group consisting of PC keyboards (see [p][0048], lines 3-4)

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRAE S. ALLISON whose telephone number is

(571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on (571) 272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S. A./
Examiner, Art Unit 2624
August 25, 2009

/Yubin Hung/

Primary Examiner, Art Unit 2624